



# **NAVAL POSTGRADUATE SCHOOL**

**MONTEREY, CALIFORNIA**

## **THESIS**

**A CONCISE ANALYSIS OF ARGENTINA'S POST-JUNTA  
REFORM OF ITS MAJOR SECURITY SERVICES**

by

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December 2006

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**A CONCISE ANALYSIS OF ARGENTINA'S POST-JUNTA REFORM OF ITS  
MAJOR SECURITY SERVICES**

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## **ABSTRACT**

For newly formed democracies, security-sector reform is essential and plays a crucial role in their long-term governmental and institutional stability. The implementation of appropriate security-sector reform by transitional governments in areas of regional instability, such as Iraq, Argentina, and El Salvador, is an issue of considerable concern, not only for the countries themselves, but also for their neighbors and the world at large. Such civil-military reforms provide newly elected civilian governments stability, peace of mind, and a monopoly on the use of armed force to ensure the safety of national borders, sovereignty, and public safety. The purpose of this thesis is to define and explore the successes and failures of the Argentine reforms under the new democratically elected civilian government vis-à-vis security services' overall performance. It will examine the overall effectiveness of the security services under these reforms by breaking down the successes and failures across the police, military, and Gendarmerie forces. This thesis focuses on Argentina's reform of its three major security services following the collapse of the military junta there in 1983. And will analyze the successes and failures of Argentina's reforms by examining the overall performance of the security services and their effectiveness under the new reforms.

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## **I. INTRODUCTION**

For many newly formed democracies, security-sector reform is essential and plays a crucial role in their long-term governmental and institutional stability. Today, the implementation of appropriate security-sector reform by transitional governments in areas of regional instability, such as Iraq, Argentina, and El Salvador, is an issue of considerable concern, not only for the countries themselves, but also for their neighbors and the world at large.

Such civil-military reforms provide newly elected civilian governments stability, peace of mind, and a monopoly on the use of armed force to ensure the safety of national borders, national sovereignty, and public safety. However, the proper checks and balances must also be established to ensure government transparency and honesty. The purpose of this thesis will be to define and explore the success and failures of the Argentine reforms under the new democratically-elected civilian government vis-à-vis security services' overall performance. Then it will examine the overall effectiveness of these security services' under these new reforms by breaking down the success' and failures across the police, military, and Gendarmerie forces.

### **A. THESIS OBJECTIVES AND IMPORTANCE**

This thesis will focus on Argentina's reform of its three major security services following the end of military government in 1983. The thesis will analyze the successes and failures of Argentina's reforms by examining the overall performance of the security services and their effectiveness under the new reforms.

During the past thirty years, Argentina, one of the most developed and well-established nations in Latin America, has experienced political and economic crises that greatly affected the nation's efforts to reform its security apparatus. As a result, Argentina is routinely cited as a significant example of security reform. Therefore, it provides a useful barometer for exploring and measuring similar issues and problems in other countries that are also transitioning from authoritarian rule to a more democratic system.

## **B. MAJOR QUESTIONS AND ARGUMENTS**

Has the new democratic government of Argentina produced an effective security service force through the implementation of reforms and/or the lack of reforms? Are the institutions (i.e. security services) under legitimate governmental control? Have reforms added or detracted to the effectiveness of the security services?

To examine the Argentine question of security service reform, the sector must be broken down into each of the three major divisions: police, military and Gendarmerie. As we explore each service, we must examine their relationship with key causal factors, both the opportunity created by crisis and the degree of insulation from reform provided by politicians, which have dictated the success or failure of the reforms. Crisis has been stated as a motivating factor for implementing reform throughout Latin America. In Argentina, crises included a number of national stresses stemming from economic collapse, failed military regimes, failed military campaigns, and non-judicial killings that ultimately exerted enough public pressure to drive the government to implement reforms. In Argentina, political insulation is the relationship of the political government vis-à-vis each security service. Political insulation will vary with the perceived threat or advantage of each service in relation to the political class, and therefore, translate into the viability of reform implementation success or failure. In Argentina, the interaction of crisis and political insulation for each individual security service in relation of reform is illustrated in Table 1-1.

Table 1-1. Effects of crisis and political insulation vis-à-vis security services.	POLICE	MILITARY	GENDARMERIE
CRISIS	NO	YES	NO
POLITICAL INSULATION FROM REFORM	YES	NO	NO



## **C. METHODOLOGY AND SOURCES**

This thesis will review and examine academic and policy experts' discussions of the need for and the methods used to implement effective security-sector reform. It will focus on three distinct security units in Argentina: the police, the military, and a hybrid military-police entity known in Europe and Latin America as the Gendarmerie. This review will start with the police reform, which has become the most salient issue in Argentina. Next, it will consider the military, a relative success, and finally the Gendarmerie, in the multiple hybrid roles formally held by the military. The research draws on both primary and secondary sources. The primary sources are limited to translated articles and texts.

## **D. CHAPTER-BY-CHAPTER SUMMARY**

The thesis consists of six chapters. The introductory chapter includes the thesis objectives and importance, a brief summary of the thesis methodology, and a chapter-by-chapter summary.

Chapter II presents an overview of the pertinent literature and current theories pertaining to security-sector reform. It shows the issues that academic and diplomatic experts consider significant and describes what an authentic process of security-sector reform in a transitional democratic government would look like. The chapter is divided into three sections, one on each of the armed security forces: the police, the military, and the Gendarmerie.

Chapter III presents the historical background in Argentina, along with describing, in detail, Argentina's continuing need for security-sector reform. It begins with the military campaign in the Falklands in 1982, and continues through the riots caused by the recent economic crisis.

Chapter IV discusses the proposed reform of Argentina's three security forces – the police, the military, and the Gendarmerie.

Chapter V, which is divided into two sections, discusses examples of successful reform policies, as well as examples of reform failures. Each chapter is also divided into three parts, according to the security force being addressed.

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## II. LITERATURE REVIEW

In this chapter, we discuss and examine the relevant academic and policy literature in regard to effective security service reform. Within the police reform literature we will find that the impetus for reform depends upon the availability of key resources among politicians, including whether there exists the necessary funding and/or political will. The military reform literature finds that creditable and capable civilian governmental management institutions are the bedrock of effective and long lasting reform. The literature on the reform of Gendarmeries, while still in its infancy, incorporates aspects of both the police and military literature and emphasizes the need for greater research and documentation. Within the literature we see varying findings for each particular security service. Literature dealing with police reforms focuses on changes in training, greater inclusion of minorities and the socially disenfranchised as a way to reach out to local communities, and of the role of purges of dysfunctional police forces in reform processes, all of which are dependent on the availability of domestic and international funding. Whereas military reform literature delves into civil military relations, civilian control of the military structure through an effective civilian chain of command, and institution building within the political and military bureaucracy alike. Finally, when examining the Gendarmerie we have only found limited literature discussing its institutional reform. However, the information available seems to follow a mixture of the police and military models mentioned above, emphasizing civilian control and the chain of command.

### A. POLICE REFORM

In his book, *Challenges in Police Reform*, Charles Call points out that, for countries in transition from an authoritarian to a democratic regime, one of the most important issues in post-conflict police reform is identifying the “relevant actors and counterparts.”<sup>1</sup> And, as Hugo Frühling and David Bailey argue, police services in authoritarian and subsequent post-authoritarian governments are, characteristically, militaristic. Often, they have a well-developed, though unofficial, link to the military and,

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<sup>1</sup> Charles T. Call, *Challenges in Police Reform: Promoting Effectiveness and Accountability*, New York, N.Y.: International Peace Academy, 2003, 2.

in many instances, had “assumed a role that was subordinate to the military.”<sup>2</sup> This means that, generally, the public only resorts to police assistance when there is no other alternative, and that the police are seen primarily as an agent for governmental needs rather than the needs of the people.<sup>3</sup>

Many writers show that in Latin American, the police typically use force more frequently and disproportionably than their counterparts in more highly developed states, and that any monitoring of police activities, whether internal or external, is either extremely low or nonexistent. As a result, public support for the police is extremely low and public perceptions of them extremely negative. In their organizational structure, force application, intelligence gathering, and subordination to government, police systems have been based primarily on a military model. However, as John Bailey and Lucia Dammert point out, in democratic governments the police are a critical part of a country’s political system. They are significant actors in the progress of democratic governance and a vital aspect in maintaining a basic level of public security.

Police reform becomes a pressing issue for politicians when domestic perceptions of crime and insecurity skyrocket.<sup>4</sup> In that regard, Bailey and Dammert suggest that implementation of proper police reform will improve operational efficiency and effectiveness in preventing and repressing crime as well as improve “police forces’ [by] strengthening their democratic ethos and accountability.”<sup>5</sup> International financial institutions have been key proponents of reform. Initially, many financial institutions (international and domestic) showed little interest in police reform initiatives. However, further investigation led to a reevaluation of perspectives, and the financial institutions then concluded that there is an overarching positive, which may have preventive effects

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<sup>2</sup> Hugo Frühling, “Police Reform and Democratic Consolidation: Chile,” Chapter 2, *Crime and Policing in Transitional Societies* (Johannesburg, South Africa: Jan Smuts House, University of the Witwatersrand, 2000), 151.

<sup>3</sup> For more on the history of the political influence over the police in Argentina, see Laura Kalmanowiecki, “Origins and Applications of Political Policing in Argentina,” *Latin American Perspectives* 27, no. 2 (March 2000): 36–56.

<sup>4</sup> Argentina seems to be the exception. An increased perception of insecurity and crime, in conjunction with a popular distrust of the police, has led to either a rise in private security institutions or impunity. Argentine police reform is more reflective of citizen reactions to police actions, such as extra-judicial killings.

<sup>5</sup> John Bailey and Lucia Dammert, eds., “*Public Security and Police Reform in the Americas*” (Pittsburgh: University of Pittsburgh Press, 2005), 2.

in other sectors, in an investment in reform projects. This can be seen in the case of “the Inter-American Development Bank,” which cites “the social and health costs of violence as reasons for expanding its police development projects.”<sup>6</sup>

Under authoritarian regimes, human rights violations are frequent occurrences. As a result, reforms that increase respect for human rights often figure prominently on transitional agendas. These are defined as a universal understanding, perceived as: freedom from torture, threats of death, a disproportional use of force, or police mistreatment.

### **1. Recommended Reforms**

In regard to human rights, organizations must have in place some sort of oversight authority, such as an ombudsman or other human rights overseer. Decentralization of the police from the military and/or defense minister control is also essential in the eyes of human-rights organizations. Some nations transfer their police control to a civilian interior ministry, a move that fosters greater oversight and transparency. Currently, there is an increasing need for interaction between government and civil society in the monitoring and regulation of the public-security sector, “such as [by] citizen membership on police-oversight panels, neighborhood watches, or patrol organizations.”<sup>7</sup> Revamping the police ranks and maintaining an emphasis on human-rights standards so as to purge the security services are also recommended reform steps. In addition, police doctrine and training must be redesigned to facilitate compliance within international human-rights standards. All of these measures require internal and external management to also institute accountability and monitoring systems.

#### ***a. Police Doctrine Reform***

One measure thought to potentially reduce police human-rights abuses is an appropriate transition or redevelopment of police doctrine. This is generally termed “professionalization” and has become a key aspect of most police reformation. Authors generally explain this aspect of professionalism as simply allowing the police “to enforce the law” in the most effective manner possible. As such, it is an integral part of

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<sup>6</sup> Call, *Challenges in Police Reform: Promoting Effectiveness and Accountability*, 3.

<sup>7</sup> Bailey, 13.

democratic governmental transitions and the preservation of human rights. In implementing professionalism as a part of police doctrine reform, accountability is a necessary next step.

Accountability goes beyond basic judicial measures, however, to greater monitoring and management linkages.<sup>8</sup> There must be officials or ministers within the government who are directly responsible for the public order and safety, with independent judges and legal counsel charged with enforcing and prosecuting police misconduct.<sup>9</sup> External civilian review boards can provide an added layer of transparency and supervision in the monitoring of police conduct, discipline, budget, and promotions. This is the system used in Canada and the United States.<sup>10</sup> In general, it also may increase the proficiency level of the police in accomplishing the basic requirements of their mandated job. Police officers, as, in essence, the licensed agents of a local and/or the federal government, can and may employ force to maintain the public safety for the citizenry. This ability and capability to control local and transnational crime is thus directly related to the government's crime-control policies and the police force's own professionalization.

***b. Police Training Reform***

Many newly-elected democratic governments find that there is an immediate need for new training standards and techniques that can elevate the current quality of deployed police officers. Potential recruits must often be educated or re-educated and evaluated for their emotional stability in respect to safeguarding newly adopted democratic ideals and a firm belief in the preservation of international human-rights standards. In this regard, personnel with some educational background or the willingness and ability to learn can be very instrumental in fostering the proposed reforms. New training styles have the possibility of containing innovative techniques and strategies. As Frühling points out, "instruction should combine technical elements with actual applications to specific cases and practical exercises," with "special attention . . . to

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<sup>8</sup> Frühling, "Police Reform and Democratic Consolidation: Chile," 153.

<sup>9</sup> Ibid.

<sup>10</sup> Ibid.

basic analysis of dangerous situations in which police must exercise good judgment,”<sup>11</sup> such as: situations requiring the use of firearms, the arrest or detention of people, or knowledge of appropriate tactics of self-defense. These situations all require sufficient knowledge about an appropriate and proportional response while preserving citizens’ human rights.<sup>12</sup>

Democracies are known for their focus on the rule of law, on long-term justice, and on security measures that derive from long-term reform and post-authoritarian transitions. Reforming and strengthening a police force is a multi-linkage concept. Its components include fostering and strengthening the government’s ability to monopolize the “rule of law,” the formalization of a justice system, and the implementation of greater transparency and accountability within the government institutions and bureaucracy. Call argues that, in the past, governments that failed to address a need for security-sector reform on a holistic scale lacked, as a result, the necessary force-enabling, or “capacity-building,” ministries.<sup>13</sup> Ministries consisting of the “legislative actors and overseers, . . . human rights ombudspersons, and other government oversight bodies, . . . where necessary leadership resides.”<sup>14</sup>

## **2. Police Planning and Research**

The management organization and structure of police forces in developed nations in the latter part of the twentieth century has made a dynamic leap as compared to its management in the early twentieth century. Most experts in this area agree that Latin America would be wise to consider emulation of the developed nations’ police forces and management styles to better facilitate their goal of implementing an effective and complete reform policy in the security sector.

Ranging from the individual officer to the commissioner and the planning staff, in the more developed countries, flexibility and preventive measures are now key aspects of police techniques. One example of this is the efforts and measures implemented by

<sup>11</sup> Frühling, “Police Reform and Democratic Consolidation: Chile,” 155.

<sup>12</sup> For more on police violence and disproportional use of force in Argentina, see Daniel M. Brinks, “*Informal Institutions and the Rule of Law: The Judicial Response to the State Killings in Buenos Aires and Sao Paulo in the 1990s*.”

<sup>13</sup> Call, *Challenges in Police Reform: Promoting Effectiveness and Accountability*, 4.

<sup>14</sup> Ibid.

former New York police commissioner William Bratton.<sup>15</sup> According to Frühling, Bratton believed that “planning must be a multilevel process, not solely a central one, and must include all police stations.”<sup>16</sup> Crime-fighting science and research provides officers with the knowledge to provide public safety with greater efficiency. It “also fosters a more creative and challenging work environment for police officers.”<sup>17</sup>

### **3. Police Recruitment and Promotion**

The recruitment of officers and their management are areas under continual review. The major question of quality versus quantity plagues reforming nations: whether to quickly deploy a large quantity of police or to gradually deploy a higher quality police force. Typically, Latin American police forces are under considerable resource constraints and, therefore, receive minimal classroom and field-exercises training before deployment. As Call points out, “excessive accommodation of short-term interest may harm police development.” So whose short-term interests are being accommodated here?<sup>18</sup> Quickly trained personnel that lack quality training have a disastrous potential due to the probable lack of adequate oversight, corruption, an adequate police-candidate screening process, and the increased possibility of human rights abuses.

#### **a. Promotion Schemes: Individual Merit-based**

Another current debate concerns promotion schemes, such as those based either on individual merit or on group-based selection criteria. Western models of security sector forces emphasize using merit-based criteria “as the best yardstick for entrance into a police academy, law school, or other state organization. . . . Merit-based testing for admission to a police academy or for promotion helps preserve a sense of professionalism and downplays the salience of group identity of membership in building esprit de corps within the police force.”<sup>19</sup>

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<sup>15</sup> For more on William Bratton’s criminal research/police reform in New York, see Hugo Frühling, “*Police Reform and Democratic Consolidation: Chile*,” and “*Police Reform and the Process of Democratization*,” 155–156.

<sup>16</sup> Frühling, “Police Reform and Democratic Consolidation: Chile,” 156.

<sup>17</sup> Ibid., 155.

<sup>18</sup> Call, *Challenges in Police Reform: Promoting Effectiveness and Accountability*, 5.

<sup>19</sup> Ibid., 7.



***b. Promotion Schemes: Group-based***

However, to assure appropriate minority and female inclusion in the security service sector, promotion schemes using group-based criteria must also be examined. Inclusion can help to prevent or safeguard against the repeat of past harassment and abuse occurrences and create transparency. And such reform will ultimately create in turn a foundation of local and statewide trust in the service. Cultural, ethnic, and sex diversification are preferable so as to facilitate the inclusion and representation of all members of the general populace. Implementation may, however, be contingent on available state resources, the educational availability per capita, population demographics and density, and available candidates who meet the minimum requirements. Most of the policy literature on security sector reform concerns the reform of military and police institutions in a post-conflict setting. References to the police force view it more as a preventative measure for possible future internal conflicts by “integrating formerly excluded groups into policing structures.”<sup>20</sup>

**4. Police Reform by Purging**

For governments in a post-authoritarian transition phase, purges of their security-sector personnel may be necessary, especially if human rights violations have occurred, as was the case during most of the authoritarian regimes in Latin America. Purges may be a necessity before a government can implement effective reform and reconstitute the conduct and public image of its security services. Documentation and prosecution of human-rights abuse suspects is difficult, however, and can entangle both a country’s justice system and its society as a whole. Massive purges also greatly decrease the security services manning, and thus directly affect the physical security of the nation. In addition, they decrease both the national employment rate and the all-important tax base. Moreover, in the process, specific skill sets – such as comprehensive knowledge of how to investigate crimes and how to attract informants, which take years to develop – are often lost, and may create a dangerous backlash.

***a. Types of Purge Reform***

In general, there are two basic types of purge reform: top-down purging and bottom-up purging. Governments that want to replace their former security-sector

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<sup>20</sup> Call, *Challenges in Police Reform: Promoting Effectiveness and Accountability*, 2.

doctrines and fortify their security forces with untainted officers often use the bottom-up approach. But replacing the troops without replacing their superiors often results in good personnel who are then subject to a corrupt leadership.

## **5. Checks and Balances**

Security-sector/police reform must also address questions of effectiveness and accountability and provide the necessary checks and balances for comprehensive oversight of police conduct and performance. The first step in accomplishing this is the establishment of a legal framework that protects suspects' rights, of which the U.S. "Miranda warning" requirement is an example. The legal framework must extend to both internal and external oversight bodies that enforce laws specifically intended to limit police powers.

### ***a. Internal and External Oversight***

Internal oversight usually includes disciplinary units and an internal affairs office or commission. External oversight may include the "judicial system, legislative oversight committees, human rights ombudspersons, civilian commissions, ministry-level inspectors, human-rights NGOs, research organizations, and the media."<sup>21</sup> These oversight entities provide a layer of transparency or filter that can prevent institutional impunity and corruption within the security service. Because they can, in effect, police the police, such organizations can ensure greater public-service stability within a democracy in a number of ways: by their ability to regulate and implement promotions, budgets, and training; investigate and punish misconduct; and freely voice and display concerns or ideas. Internal oversight organizations must have extensive training and education in advance policing, government, and human rights and in addition be free from internal or organizational reprisal. External oversight organizations work best when they are formed and approved by the whole populace and are granted the freedom and legitimacy of authority from the government to act.

But police reform takes time, and while the appropriate reforms are being debated and implemented, crime still occurs. Thus, during the reform phase, countries may be tempted to substitute police services with the military. Unfortunately, military

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<sup>21</sup> Call, *Challenges in Police Reform: Promoting Effectiveness and Accountability*, 9.

personnel are poorly trained and equipped for conducting domestic police duties. And as Call points out, “because choices during the interim stage of the reconstruction process may be difficult to reverse, they constrain permanent security arrangements. For instance, involving the military in public security may set an unfortunate precedent by blurring the line between military and police roles.”<sup>22</sup>

## **B. MILITARY REFORM**

### **1. The Need for Reform**

Many transitional governments discover that reform of their military is one of their utmost priorities and ultimately necessity to ensure the stability of democratic governance. Typically, these new democracies are faced with bitter military-intervention legacies, which stem from the existence of a highly politicized military that intervenes at a moment’s notice and thus has had devastating consequences in terms of its affect on human rights and the economy.

Samuel Fitch describes and breaks down modern civil-military relations vis-à-vis emerging democratic institutions into three distinct categories. First, the military establishment must be made subordinate to the democratically elected civilian government. Second, the military must accept civilian policy and bureaucracy as the legitimate governing and managing authority. Third, the rule of law must be extended to include military establishments.<sup>23</sup>

Alfred Stepan has identified a key dimension of civil-military relations: articulated military contestation.<sup>24</sup> The “dimension of articulated military contestation” deals with frictions between civilians and the military over enforcement and implementation of governmental control regulating policies of the military.<sup>25</sup> Within this dimension he identifies three areas of contention: 1) the government’s prosecution of human rights violators, 2) governmental reforms vis-à-vis restructuring, an organizational

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<sup>22</sup> Call, *Challenges in Police Reform: Promoting Effectiveness and Accountability*, 6.

<sup>23</sup> J. Samuel Fitch, *The Armed Forces and Democracy in Latin America* (Baltimore: John Hopkins University Press, 1998), 36.

<sup>24</sup> Alfred Stepan, *Rethinking Military Politics: Brazil and the Southern Cone* (Princeton, NJ: Princeton University Press, 1988), 68.

<sup>25</sup> Ibid.

mission, and civilian oversight and preeminence at the top of the chain of command, and 3) the inevitable desire of the government to control and possibly reduce military funding in order to allocate funds to more needy social sectors.<sup>26</sup> The first area is most closely related to Fitch's requirement that the military be subject to the rule of law, while the second and third correspond to Fitch's assertion that civilians should have control over defense and military policy. In a democracy, a variety of actors within the state, political society, and civil society play a role in exercising effective civilian control over the military.<sup>27</sup>

## **2. Making the Military Subordinate to Civilian Governmental Authority**

Historically, Latin American military institutions have perceived themselves, not the democratically elected public officials, as the “national guardians” or “defenders of the homeland.”<sup>28</sup> As J. Samuel Fitch explains, this perspective is directly divergent from the fundamentals of democracy which hold that the national will belongs to the people, not the military: “The Latin American military's traditional role as political arbiter or moderator is incompatible with democratic consolidation.”<sup>29</sup> Accountability to the civilian government takes many forms, but the most essential is the military's recognition of the authority and legitimacy of the democratic institutions. This then is considered one of the first and foremost parts of civil-military reform, which starts with the most basic steps. Civilian control and management of the military must start at a high level in democratic governments, such as the civilian defense ministers who have the ability to formulate and implement enforceable security policies.

Stepan defines the term “political society” as the manner and ability by which “political contestation . . . [gains] control over public power and the state apparatus.”<sup>30</sup> More specifically, he explains, “political society” refers to how the population in a democracy participates, manages, chooses, and monitors its government through “political parties, elections, electoral rules, political leadership, intraparty alliances, and

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<sup>26</sup> Stepan, 68–69.

<sup>27</sup> Ibid., 3–5.

<sup>28</sup> Diamint, 44.

<sup>29</sup> Ibid.

<sup>30</sup> Stepan, 4.

legislatures.”<sup>31</sup> The lack of interest of political parties in defense issues, the weakness of legislative defense committees, and the scarcity of independent research capabilities all undermine the role that political society plays in monitoring the military, especially in the face of the “latent paranoia . . . military organizations . . . have about political ‘interference’ in their professional activities.”<sup>32</sup>

The “state” is defined as the linkage between the political society and the civil society that allows for state cohesion through its “administrative, legal, bureaucratic, and coercive” systems.<sup>33</sup> Because of the traditional role of the military, transitional democracies in Latin American must redefine the realm in which state institutions may act. The military has played a vital role as one of the defining state actors and perceives state functions primarily in terms of its historical authoritarian/hierarchical role. Civil-military relations experience friction as democratically elected officials attempt to assert civilian control over all aspects of the state, including the military and the ministry of defense.<sup>34</sup>

*a. Civilian Control*

Civilian control over the bureaucratic and policy spectrum relates to a number of areas, all of which, if effectively implemented, place civilian control firmly over the defense sector. This can be seen in the civilian control of defense/military budgetary-funds distribution; promotion boards; the formulation and implementation of defense/military policy and doctrine; and the holding of top management positions, such as the defense minister or secretary of defense, which have real administrative authority and power. In addition, “military officers manage considerable economic resources, intelligence agencies, . . . [and] paramilitary forces [which] are instruments of social control, and a militarized police also undertakes social control.”<sup>35</sup> The executive and legislative branches must have independent authority over the entire security-sector’s budgetary and fiscal spending. In the eyes of some reformers, this requires the

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<sup>31</sup> Stepan, 4.

<sup>32</sup> Ibid., 134.

<sup>33</sup> Ibid., 4.

<sup>34</sup> Ibid., 136–137.

<sup>35</sup> Diamint, 43.

privatization or liquidation of military-sector private enterprises.<sup>36</sup> These enterprises lack transparency and allow the secret transfer of vast resources and funds to possibly inappropriate ends. In addition, a lack of proper oversight and supervision of the civilian ministries makes possible the misappropriation of economic capital.<sup>37</sup>

But Diamint refers to an argument posed by Pion-Berlin and Hunter, that military “professionalization and the search for institutional objectives for the armed forces suffice to facilitate the military’s withdrawal from politics.”<sup>38</sup> This ignores the way that political and institutional weaknesses – in particular, the lack of civilian interest and expertise in defense and security police – often undermine civilian control. Civilian defense ministries and policy makers lack the institutional knowledge and legitimacy to forcefully eliminate the military’s monopoly in this field.<sup>39</sup>

In general, Latin American nations have not reevaluated their security-sector doctrines, and typically continue with status-quo, Cold War scenarios. Thus, “weapons and equipment purchases generally do not derive from centralized planning.”<sup>40</sup> Even though the traditional mission – defense of the state’s national sovereignty and territory from interstate rivals – exists, it has only minimal impact on funding demands. New mission roles and requirements will be needed to keep the legitimacy of funding demands and maintain the level of combat effective troops.

The term “civil society” pertains to what Stepan describes as community, religious, or professional organizations. These nongovernmental organizations (NGOs) often cooperate to protect and advance their interests and enhance their bargaining power with state actors.<sup>41</sup> Because of the historical trend in Latin America of authoritarian military dictatorships and the consolidation of power within the elite class, the civilian populations tended to neglect the investment of human capital in education in civil-

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<sup>36</sup> Diamint, 56–61.

<sup>37</sup> Ibid.

<sup>38</sup> Ibid., 44.

<sup>39</sup> Ibid., 61–66.

<sup>40</sup> Ibid., 67.

<sup>41</sup> Stepan, 3–4.

military affairs. With the exception of human-rights NGOs, few NGOs address issues related to civil-military affairs. As a result, with the transition to democracy and the desire of the duly elected civilian governments to rein in control of the security sector, there is a lack of legitimate civilian authority and competency in this area. Governments now confronted with a need for military reform seriously lack the capacity to undertake and ultimately implement and manage such reforms effectively.<sup>42</sup>

***b. The Rule of Law***

In many post-authoritarian democracies, military service members, when publicly accused of any number of crimes, are subject to the authority of the military judicial system, whether the crime occurred in the local or federal sector. Since military courts routinely lack transparency and balanced investigation techniques, this renders military members largely immune to the basic fundamentals of the rule of law. An air of impunity, collusion, and corruption are commonplace. Thus, Fitch argues that reform is necessary, so that “members of the armed forces are neither denied ordinary constitutional rights nor granted special legal privileges by law or by actual practice . . . [but are] subject to appropriate sanctions in a court of law.”<sup>43</sup>

Institutional prerogatives cover a wide number of areas. Stepan lists eleven, but only one has to do with the rule of law. His second dimension, “military institutional prerogatives,” refers to those areas where, whether challenged or not, the military as an institution assumes it has an acquired right or privilege, formal or informal, to exercise effective control over its internal governance, to play a role within extramilitary areas within the state apparatus, or even to structure relationships between the state and political or civil society.”<sup>44</sup> These can range from an ideology as the protector of the state, historical military interferences into government control politicizing the military, ownership and recipient of funds from state-owned enterprises, monopoly of governmental ministerial positions, and control over other security services such as the police and intelligence services.

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<sup>42</sup> Stepan, 128–129.

<sup>43</sup> Fitch, 38.

<sup>44</sup> Stepan, 93.

### C. REFORM OF THE GENDARMERIE

In Latin America, Argentina's National Gendarmerie (*Gendarmería Nacional Argentina*, or GNA) and its like are a relative novelty. Other contemporary examples exist only in Europe, in France, Spain, and Italy. Eric Carlson defines the Gendarmerie as "a hybrid police/military organization" that has been able to cope with Argentina's social, domestic, political, and security pressures with greater resiliency than the rest of her contemporary security agencies and organizations.<sup>45</sup> Therefore, all the above mentioned police and military reforms have great pertinence and relevance to this issue.

According to Hugo Frühling, the merger of military and police functions and roles, as in the "French *gendarmerie*, the Italian *carabinieri*, and the Spanish *guardia civil*, fuses domestic police forces with a military structure of discipline, ranks, and reserve status in the case of war.<sup>46</sup> He further explains that this creates both advantages and disadvantages that draw questions regarding the entity's compatibility with democracy, due to its functional relation to the military.<sup>47</sup> The "lack of differentiation from the military," Frühling argues, can cause these units to be involved in "functions in maintaining social order" and in counterinsurgency operations.<sup>48</sup> The merger of military and police functions and roles often has a culminating effect, leading to the oppression of the civilian political system, which, in turn, results in the ultimate corruption or transformation of the police institution away from its original design. It becomes a policing institution that "lack[s] training in [the] basic police functions" that it will be called on to perform once the transition back to democracy begins.<sup>49</sup>

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<sup>45</sup> Eric Stener Carlson, "Lawful Warriors: Respecting Human Rights while Policing Social Protest. A Cultural Study of the First Mobile Detachment of the Argentine National Gendarmerie," PhD dissertation, University of California, Santa Barbara, March 2004, xii.

<sup>46</sup> Hugo Frühling, "Police Reform and the Process of Democratization," in *Crime and Violence in Latin America: Citizen Security, Democracy, and the State* (Baltimore and Washington, D.C.: The Johns Hopkins University Press and Woodrow Wilson Center Press, 2003), 19.

<sup>47</sup> Ibid.

<sup>48</sup> Ibid.

<sup>49</sup> Ibid.



#### **D. CONCLUSION**

Given the arguments in the pertinent literature, it is hard to dispute the general conclusion that a democratic government's security-service reform and subjugation to the civilian government will not only contribute to national stability, but also greater regional stability. The transitional governments that find it necessary to conduct security-sector reforms, however, typically discover that there is a serious limiting factor: the lack of resources. Thus, transitional nations often must struggle in their attempts to compensate for the lack of infrastructure, the requisite institutional strengths, human capital, economic capital, and political will. In those circumstances, external actors are and will continue to be valuable assets in providing necessary assistance, especially in the form of academic, economic, and exchange programs.

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### **III. HISTORICAL BACKGROUND: ARGENTINA'S SECURITY SERVICES IN TRANSITION**

#### **A. EFFECTS OF TRANSITION ON THE THREE BRANCHES: THE POLICE, MILITARY, AND GENDARMERIE**

Transition is a major theme of the literature dealing with Argentina's security services, the military, the Gendarmerie, and the police force. All three branches were affected, directly or indirectly, by the domestic and international events. Initially, the crisis caused by the loss of the Falklands/Malvinas war of 1982, and domestic policy mismanagement produced by the Proceso led to the collapse of the military regime and the return to the civilian elected democracy. The ensuing economic crisis of the 1980s, 1990s and early 2000s led the new democracy to varying degrees of political insulation vis-à-vis each security service. The effect has been high political insulation for the police, low for the military and marginal for the Gendarmerie, which has then determined the level of nationwide response: bureaucratic, political, social, and criminal. While the overall effect on the services was both positive and negative, its most disturbing aspect was the gradual decline of competency and effectiveness, and hence of the legitimacy of officially mandated uses of force.

In Argentina, the police force suffers from decades of deficiency in proper governmental oversight, pay, accountability, training, and respect for human rights. This neglect has fostered a rapid rise in criminal activity – some of which is police-sanctioned – corruption, general fear from the lack of security, and a citizenry unwilling or unable to approach or work with the police officials. In most countries, when criminal activities increase, the civilian populations demand more law enforcement, but in Argentina, such demands have the potential to exacerbate the current problems. There is no clear sense of which programs work and which merely continue and extend the current law enforcement model. It is crucial, therefore, that Argentina take whatever measures are necessary to resolve this situation and bring the police back under government control.

The Argentine Gendarmerie's transition has been a more different experience than that of their more autocratic cousin, the regular army. With only limited budgetary

support from the government, for a long period of time the Gendarmerie more or less had to fend for itself in economic, training and institutional terms. In that respect, it shared the same social and economic neglect by the government as Argentina's civilian population. Those shared circumstances, and the Gendarmerie's stationing in poor rural areas, not only created a common bond between the soldiers and the general citizenry, but also inspired the Gendarmerie's increasing loyalty to their local and regional districts. Thus, the Gendarmerie, instead of being a military arm of the federal government it has the potential to rival for local and regional control. The question now is: Who has the monopoly of influence and who will take control in a time of crisis, the provinces or the federal government. .

Lastly, history shows that, throughout most of the twentieth century, the Argentine military intervened repeatedly in the political arena. As a result, the military became highly politicized, part of the legacy of presidencies that were routinely interrupted by military coups. The constant political turnover left behind crippling economic policies; social injustices, including torture, murder, and disappearances during the so-called Dirty War; and a disastrous war in 1982 with the United Kingdom over the Falkland/Malvinas Islands which ended in Argentina's defeat.

In 1983, democracy was restored in Argentina, but at a very heavy price for the military. To increase its political control, the new government put measures in place in the form of budget cuts that greatly limited the military's sphere of operations. Since then, the armed forces have floundered, either unwilling or unable to cope with these new limitations. This ensuing inability is partly due to the lack of a unified command structure and inadequate government reforms, but even more so to the military's own greedy tendency to try to keep everything "as is," rather than seeking a more balanced cohesion.

In brief, Argentina's military is in crisis. At its current levels of readiness and training, the armed forces would be unable to successfully fulfill any potential major combat mission or deployment in the interest of national security.

## **B. THE RELATIONSHIP BETWEEN ARGENTINA'S SECURITY FORCES AND THE CIVILIAN GOVERNMENT FOLLOWING THE TRANSITION TO DEMOCRACY**

### **1. Background**

Following Argentina's 1983 transition back to democracy, a key aspect of the first two administrations was their attempt to gain control over the security services. First, their priority was to gain "authority over decisions concerning the missions, organization, and employment of . . . [the] state's military means" and to "compel the armed forces to accept civilian control."<sup>50</sup> The armed forces lost all credibility and were at the mercy of the newly elected government, which took advantage of the debilitating fall of the Proceso de Reorganization Nacional to begin military reforms.<sup>51</sup> President Alfonsín reinforced the Minister of Defense's powers by placing control of the armed services under the Ministry of Defense and creating a clear chain of command with civilians in control. By 1985, Defense budgeting had been slashed from 5.1 percent of the gross domestic product (GDP) to 2.3 percent.<sup>52</sup> Through these steps, Argentina gradually took control of the military budget, allocations, and resources. It has failed, however, to implement reforms that would require the armed forces to cooperate in determining the budget and in the allocation of roles and missions. It is apparent that Argentina's "defense budgets . . . are prepared with little consideration for (real) defense needs."<sup>53</sup> As a result, the armed forces branches must fight each other for a share of the funding.

As overwhelming as these problems were, there is interaction, at least, between the regular military and the government in relation to defense and security affairs. Unfortunately, there was little similar engagement at that level with either the Gendarmerie or the police force following democracy except for some elementary interaction related to highly publicized deaths, but nothing on a grand scale. Experts on the area believe that neglect of these two entities could cause their

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<sup>50</sup> Harold A. Trinkunas, "Crafting Civilian Control in Emerging Democracies: Argentina and Venezuela," *Journal of Interamerican Studies and World Affairs*, Vol. 42, no. 3 (fall 2000): 78–79.

<sup>51</sup> Argentine military dictatorship from 1976–1983, better known as "the Proceso"; headed by a top member of each branch of the individual services, the Army, Navy, and Air Force, called the "Junta."

<sup>52</sup> Trinkunas, "Crafting Civilian Control in Emerging Democracies: Argentina and Venezuela," 98.

<sup>53</sup> *Ibid.*, 100.

further institutional separation from governmental control and create more havoc and difficulty if and the state ever views this as a pressing issue.

## **2. The Police and the Civilian Government**

The police system in Argentina is viewed primarily as a protection force whose use of force and violence is intended to deter criminals. However, the police routinely direct brutal tactics at the poor and minority groups, especially in the countryside. The use of torture also, which was an evident throughout the Dirty War, still goes on today, largely to obtain confessions of criminal acts. It has gained some acceptance among the general populace as an allowable use with so-called “common criminals,” because they are seen more or less as legitimate “torturable” subjects.<sup>54</sup> The elite and the middle class are apparently exempt, in most cases, from such practices which are used predominately against the poor and undesirables. This may be one reason why brutal tactics and torture continue to be used. After prolonged periods of such treatment, victims will confess to anything, whether actually innocent or guilty. This practice causes many innocent persons to be jailed, while the guilty go free.

The police use of deadly force, also used mostly in rural areas against minorities and the poor, is another widespread problem. Argentina has a special police units, members of the “brigade,” that are notoriously “trigger-happy.” During one instance in 1994, when protestors finally drove President De la Rúa from office, the police fired a total of 239 bullets to kill five innocent youths.

What makes matters worse is the lack of accountability and impunity from the law, as both government officials and the judicial system seem to look the other way. In the rare cases when police officers are put on trial, they are either acquitted or given a slap on the wrist, or shifted to a military tribunal where the “buddy system” takes over. There has been very little oversight, and the oversight that exists is extremely limited, with officials unable or unwilling to push the matter forward. This creates an air of conspiracy when people who die under torture just disappear, severing the connection between them and the police.

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<sup>54</sup> Paul Chevigny, “Defining the Role of the Police in Latin America,” in Mendez, O’Donnell, and Pinheiro, eds., *The (Un)Rule of Law and the Underprivileged in Latin America* (Notre Dame, 1999), 53.

These offenses could have a serious adverse effect on Argentina's democratic development. Paul Chevigny argues that society cannot obtain "security through police lawlessness; precisely because it is lawless. . . . criminal justice loses its credibility."<sup>55</sup> Argentina currently has an increasingly serious social problem, given the escalation in lawlessness up the social and economic food chain. The middle and upper classes are now often targets of kidnapping for ransom, in which Chevigny implies that, the police often have a hand. In addition, the upper classes often avoid the police because of the continual demand for bribes.

### **3. The Military and the Civilian Government**

The 1930 military coup of President Yrigoyen, a major turning point in Argentine history, had haunting consequences for more than half a century. The military became a highly politicized machine and the die was cast for the military coups that followed in regular succession, "in the 1940s, 1950s, 1960s, and 1970s."<sup>56</sup> As noted by Robert Potash, however, the subsequent coups evolved into "much more than a military operation."<sup>57</sup> They were organized revolts led by military and civilian officials alike,<sup>58</sup> abetted by the average citizenry's general lack of empathy for the democratic government. They had learned from past experience that a military government proved to be more efficient and therefore preferred military rule over governance by corrupt political cronies.<sup>59</sup> The military became an unstoppable juggernaut, free to move in ways, whenever it thought necessary, that would further its own ambitions, with dependable support from the Argentine populace.

The military government that ruled Argentina from 1976 to 1983 is known to history as the *Proceso*, short for "National Reorganization Process." It is often described as the "tipping point" in regard to the general support for military dictatorships in Argentina. Its eventual collapse was owed to accumulated failures in three key areas:

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<sup>55</sup> Chevigny, 60.

<sup>56</sup> David Pion-Berlin, *Through Corridors Of Power: Institutions and Civil-Military Relations in Argentina* (University Park: Pennsylvania State University Press, 1997), 49.

<sup>57</sup> Robert Potash, *The Army and Politics in Argentina, 1928–1945: Yrigoyen to Peron* (Palo Alto, CA: Stanford University Press, 1969), 54.

<sup>58</sup> Pion-Berlin, 49.

<sup>59</sup> *Ibid.*, 50.

the economy, human rights (the so-called Dirty War of 1976-1982), and military incompetence (the Falklands/Malvinas War). Glaring mistakes in all three areas eventually shattered the popular domestic and international trust in Argentine military institutions.

**a. *Economic Blunders***

The junta's elimination of protective tariffs and subsidies opened the Argentine economy to the global market, leading to a deluge of cheap foreign imports. Though industry took the brunt of the changes, this move also had a considerable impact on all forms of labor. From 1975 to 1980, the country's industrial growth stalled, and then declined, as manufacturing dropped 15 percent and bankruptcies increased by 140 percent.<sup>60</sup> While the junta seemed content with the status quo, it angered and frustrated civilians from all sectors of the economy.

**b. *Human Rights Blunders: The Dirty War***

Between 1976 and 1982, the Proceso conducted counterinsurgency operations against what they said were "left-wing subversives." Those operations quickly became known as the "Dirty War." The military had become extremely efficient in eliminating members of a small band – approximately five hundred guerillas – that they declared was a direct threat to the government.<sup>61</sup> However, the operations soon evolved into a campaign of persecution directed at anyone who dared, whether overtly or covertly, criticize the Proceso.

In many cases, state "justice" was both swift and undocumented: government criticism bore a very high price. Among historians, there is a wide range of estimates, but it is believed that some 10,000 to 30,000 people disappeared, the mostly forgotten victims of illegal arrest, torture, and execution. Although the government's reasons fell largely under the "counterinsurgency" umbrella, there is also evidence of economic motivation. In addition to the disappearances, reports show that the homes of the accused were often looted of their valuables and then reallocated to military officers'

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<sup>60</sup> Pion-Berlin, 55.

<sup>61</sup> Eric Stener Carlson, "The Gendarmerie's Response to Social Protest in Argentina," in Edward Epstein and David Pion-Berlin, eds., *Broken Promises? The Argentine Crisis and Argentine Democracy* (Lanham, MD: Lexington Books, 2006), 188.



families. Some were refurbished by special units and resold.<sup>62</sup> The Dirty War affected all classes of society. None among them, neither the working nor the middle, not even the upper class, was safe as the government hunted “subversive” agents of every stripe.<sup>63</sup>

With the collapse of the Proceso came investigations and trials for the atrocities. The sheer number of the military officials involved was staggering. As the courts became overburdened with the case loads, the military became increasingly frustrated and frightened. Ultimately, the armed forces lost not only all creditability but also the hard-won trust of the civilian populace. No one knew who within the armed services was innocent or guilty.

*c. Military Blunders: The Falklands/Malvinas War*

Leading up to and during the first weeks of the Falklands/Malvinas War, the Argentine military had a mistaken sense of confidence in its own competence and proficiency. The counterinsurgency operations against left-wing subversives had been hugely successful. And the junta interpreted this success – wrongly, as it turned out – as evidence that it possessed a viable armed force whose military might was matched that of other nations. This proved to be a disastrous miscalculation.

On April 2, 1982, the Argentine forces received orders to invade the Falkland Islands, a British colony in the southwest Atlantic, which Argentines know as the Islas Malvinas. From the beginning, the invasion was a military and political fiasco. The Argentine naval and ground forces were no match for the British, and their envoys at the United Nations and in the United States were unable to stimulate peace talks that might have forestalled a military defeat. In an uncharacteristically blunt speech, the U.S. diplomat told his Argentine counterpart that the U.K. was coming to reclaim the islands and there was no way that Argentina could win. In addition, Argentina, handicapped by its lack of sufficient global strategic planning, wrongly assumed that the United States would intervene on its behalf, regardless of the U.S.-British relationship.

In the end, Argentina’s defeat, combined with the economic strife and the effects of the Dirty War, destroyed the military’s self-image. “Military stature, unity, and

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<sup>62</sup> Pion-Berlin, 58–59.

<sup>63</sup> Ibid., 58.

self-confidence declined measurably in Argentina by the time power was transferred to civilian hands.”<sup>64</sup> Consequently, given their unfortunate transformation in the eyes of the people, the armed forces today are extremely reluctant to get involved in domestic issues. As a government institution, they are viewed with a good deal of suspicion. Though there are some signs that the armed forces have begun to rebound, they continue to operate under the watchful eye of both the Argentine government and the Argentine citizenry.

From 1983 to 1990, Argentine’s new democracy successfully resisted no less than four attempts by the military to overthrow the civilian government. Among the reasons for the coups’ failures were the institutional legacies and the rivalries that remained from the Falklands/Malvinas debacle. When Argentina surrendered to the British forces at Port Stanley and the Argentine Air Force and the Navy withdrew from the junta, the Army was left to fend for itself. The resulting fractures in the military are still evident today.<sup>65</sup>

Directly following the fall of the junta numerous complaints by the general populace of human rights abuses led to investigations and the prosecution of Proceso military officers, but these have proved to be the most difficult for the civilian government to conduct to a satisfactory end. The dissolution of the Proceso brought transparency, as human rights groups exposed the military’s involvement in vast atrocities across the nation.<sup>66</sup> And one of President Alfonsín’s primary reform mandates was the punishment of military officers for their human rights violations. Arrest warrants were signed and tribunals conducted. Military officers waited anxiously on the sidelines, not knowing what to expect or what would happen to them and their institution.

Their uncertainty and fear of the unknown had a “blowback” effect, triggering four attempts at a military coup composed primarily of junior officers who hoped to save themselves and protect the military institution from the new democracy. The most significant of the coup attempts, led by Lt. Col. Aldo Rico and known as the

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<sup>64</sup> Pion-Berlin, 60.

<sup>65</sup> Harold Trinkunas, “Crafting Civilian Control of the Armed Forces: Political Conflict, Institutional Design, and Military Subordination in Emerging Democracies,” PhD. Dissertation, Stanford University, 1998, 192, 194.

<sup>66</sup> Ibid., 192.

Semana Santa Rebellion, occurred in 1987 during Holy Week. It ended in negotiations between Rico and President Alfonsín, which included a generous concession to the military – amnesty for the military’s involvement in human rights violations.<sup>67</sup>

The military’s fundamental failure, in joint operability, sustainment, and support, has played well for the early post-junta reform-minded civilian politicians. Nonetheless, for all their success in implementing reform in economics, civil-military affairs, military subjugation, and the realignment of doctrine and strategic policies, they have failed in the area of human rights. In the 1980s, that failure – the sole obstacle to the reform process – lent an at least unofficial taint to President Alfonsín’s administration.

#### **4. The Gendarmerie and the Civilian Government**

In respect to the roles they perform, the Argentine Gendarmerie<sup>68</sup> is situated somewhere between the police and the military. They function as a “hybrid police-military force charged with numerous responsibilities, including customs control, antinarcotics, counterterrorism, and environmental protection throughout Argentina.”<sup>69</sup> Like the regular forces, the economic circumstances, the Dirty War, and their residential location have considerably affected the way they perceive their relationship with the civilian population.

Many young men from poor rural areas see the green uniform of the Gendarmerie as a prestigious symbol.<sup>70</sup> And what separates this branch of service from the others is mainly contained in the word “poor.” Unlike the regular armed forces, the Gendarmerie is poorly funded. Salaries are low and basic provisions, such as medical care, food while on duty, and uniforms, are scarce. In addition, the Gendarmerie does not live in barracks

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<sup>67</sup> Trinkunas, “Crafting Civilian Control of the Armed Forces: Political Conflict, Institutional Design, and Military Subordination in Emerging Democracies,” 192.

<sup>68</sup> Similar to the United States National Guard in respect to responsibilities and missions, except the Gendarmerie is a full-time job in Argentina.

<sup>69</sup> Eric Stener Carlson, “The Gendarmerie’s Response to Social Protest in Argentina,” 183.

<sup>70</sup> *Ibid.*, 193.

away from the average citizen but rather amongst the population. And thus, from Gendarmerie clashes with local protestors has come the term, “the poor against the poor.”<sup>71</sup>

But the Gendarmerie perception of its members “as poor worker[s], shaken by the same economic disasters as the protestors” and the legacy of the Dirty War, has also had many positive outcomes.<sup>72</sup> When confronted by an angry mob, the Gendarmerie showed restraint, only using proportional force. While this may seem merely a rational response, during the Proceso, protestors were often tortured, shot, or simply “disappeared,” by the military and police.

Argentina’s federal judiciary, regional governors, and the president all have considerable control over the Gendarmerie forces. The Gendarmeries’ empathy for the common man, however, has the potential to rival that control. They associate much of their own plight with that of the protestors and consider themselves, as a whole, as *gente sufrida* (suffering people).<sup>73</sup> Thus, if a class struggle should occur, there is a real possibility that the government could lose its control over the Gendarmerie forces.

### C. CONCLUSION

Argentina is not a failed state. It has recovered from the political, social, and economic devastation of the Proceso and come out of the 2001–2003 economic crises with its democratic institutions intact. Argentina has quickly put into effect the social, political, and economic reforms needed to steer the nation away from repeating its past. At the same time, however, the institutions that protect democracy have been neglected, owing in large part to a reluctance to confront fully the historical legacy left behind by prolonged experience of military rule. The armed forces were much more vulnerable to reform processes than they had been in the past because of their patent failure during the Proceso period. Their protagonism in government focused the attention of democratizers on reforming this institution, but this then meant that the reform of the police and the Gendarmerie were neglected. Since neither was likely to threaten the hold of democratic

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<sup>71</sup> Carlson, “The Gendarmerie’s Response to Social Protest in Argentina,” 196.

<sup>72</sup> Ibid., 184.

<sup>73</sup> Ibid., 188, 193.

politicians on power, they did not attract the same level of attention from reformers. However, if those institutions are to realize their full potential value to the Argentine nation their reform must continue. Security is a requirement for a democratic government, as for any other. That security must come from legitimate, trustworthy organizations that are capable of working together for the benefit of all.

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## **IV. PROPOSED REFORMS**

### **A. INTRODUCTION**

In this chapter, we present both the proposed and the implemented government reform measures for Argentina's three security-sector branches during the most recent democratic period: the police, the military, and the Gendarmerie. We argue that the police have resisted comprehensive reform, while the military has been compelled to embrace it. This difference in outcomes is explained by the nature of their relationships to the civilian political leadership, and to the social elites that they represent: the police are insulated from reformist pressure because they are in a position to provide the civilian leadership with opportunities and prerogatives that its members value; whereas the armed forces, having been thoroughly discredited by their own performance in power, enjoy no such political insulation. The experience of the Gendarmerie with reform occupies a middle ground. It has undergone only moderate reform because it has not been directly implicated in the major crises of the past. But it lacks connection to Argentine political and social elites, and hence does not enjoy the kind of insulation from reformist pressure that these groups afford the police.

### **B. THE POLICE**

To examine the Argentine police, we focus primarily on the Buenos Aires Provincial Police (BAPP), the largest urban police force in the nation. The BAPP area of authority contains roughly one third of the domestic population and the national capital. By singling out this one police force, we can better collect and examine pertinent reform data that can then be applied generally throughout the nation.

The Buenos Aires Provincial Police have traditionally acted, not as a government agent for the good of the people, but as a government tool for political enforcement that placed civilian human rights, liberty, and justice at risk. During the years of multiple military regimes, the police force developed a rightist, state-centered cast. That militarization process corrupted its organizational framework and led to "strongly illegal secret practices and attitudes in police work that were never checked on or altered by the

various civilian administrations that have followed with the return to democracy.”<sup>74</sup> The chain of command was already highly centralized prior to the Proceso of 1976–1983, during which it underwent a transformation into an “ultra-hierarchical and highly military structure.”<sup>75</sup>

Historically police forces in Argentina have always been organized to play a militarized role in the service of the elite, by protecting it from labor unrest and other social upheavals. As evidence of this, Sain notes that “from 1880 to 1955, 30 out of 47 chiefs of the federal police force were military men.”<sup>76</sup> In addition, the police have largely been “silent” servants: they serve their masters unconditionally and unquestioningly, whether they are the civilian elite or a military dictatorship. A key issue involved in that service, however, is that the military structure of the police links their highly selective and centric service directly to, around, and for distinct, individual classes, not the overall common citizenry.<sup>77</sup>

During the Proceso, the BAPP was incorporated into counterinsurgency units under the command of the military, specifically the First Army Corps, and, in that role, cooperated in the antiterrorist operations of the Dirty War.<sup>78</sup> The BAPP is known to have participated in the numerous human-rights violations, disappearances, murders, and torture of thousands of Argentine civilians that took place in “secret detention camps.”<sup>79</sup>

Throughout the 1980s, police reform was not a pressing priority for Argentina’s new democracy due mostly to its preoccupation with the military. During this early time of new democracy, the transitional government was singularly focused on dealing with the dethroned Proceso junta, and the institutional subjugation of the elements that supported the former military regime.

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<sup>74</sup> Marcelo Fabián Saín, “Police, Politics, and Society in the Province of Buenos Aires,” in Edward Epstein and David Pion-Berlin, eds., *Broken Promises? The Argentine Crisis and Argentine Democracy* (Lanham, MD: Lexington Books, 2006), 53.

<sup>75</sup> *Ibid.*, 54.

<sup>76</sup> Kent Eaton, “Police vs. Military Reform in Latin America: Comparing the Internal and External Dimensions of Security,” unpublished work (Naval Postgraduate School, 2005), 8.

<sup>77</sup> *Ibid.*, 8.

<sup>78</sup> Saín, 54.

<sup>79</sup> *Ibid.*



It was not until 1991, when Eduardo Duhalde was elected governor of Buenos Aires Province that significant police reform was attempted, with disturbing and paradoxical effects. Intentionally or not, Duhalde allowed for a greater allocation of resources, funds, and material to the BAPP, while at the same time granting it “a broad degree of freedom of maneuver in its activities, and the promise . . . of governmental noninterference in the institutional activities and practices.”<sup>80</sup> The latter action in effect insulated the policing institution from any external oversight or review. The BAPP no longer had to maintain basic services for the people, and began to fail as a legitimate agent of the government.

From late 1991 to mid 1997, the crime rate in Buenos Aires Province increased considerably, while, at the same time, there were low conviction rate police officers who were terminated because of criminal collusion. During that period, “3,805 officers were terminated [8 percent of the force] . . . of whom 3,418 were legally charged and /or tried for the commission of various offenses. Among this last group, 60 percent were tried for robbery, abuse of authority, and/or falsification of public evidence, while the remaining 40 percent included homicide, light and serious injuries, torture, criminal fraud, and the illegal sale of drugs.”<sup>81</sup>

In response, between 1997 and 1998, there were several attempts in the province to stop the police abuse of civilian civil rights. Key aspects of that reform included the decentralization of government control, in favor of greater regional municipal control, and a structural reorganization of specific police roles and duties, with emphasis on the segregation of specific police-service responsibilities and authorities from its current broad and overarching institution. The reforms also eliminated the role of the provincial chief of police and the separation of security roles. The *Ministerio Público Fiscal* [need English translation] was duly created as the sole institution responsible for criminal investigations. This ministry was also responsible for managing the *policía judicial* (judicial police), which serves the courts.<sup>82</sup>

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<sup>80</sup> Saín, 56.

<sup>81</sup> Ibid., 57.

<sup>82</sup> Eaton, 11.

Other reform proposals at the time called for the following: greater civilian oversight; reform of the entire police ideology – from its responsibility to protect the government to its responsibility to defend individual citizens; granting local leaders (mayors, councilmen) and social organizations parity in local power relative to the governors; and reform of the traditional techniques of criminal investigation. Security-reform scholars have been advocating such proposals for years as comprising proper reform policy. But, as Kent Eaton notes, regarding the fundamental frictions, “each of these reform proposals goes against the grain of Argentine policing as it has long been practiced.”<sup>83</sup>

During that brief period, late 1997 to mid 1998, the government initially responded by attempting to implement and insert civilian leadership into the police system. “Duhalde himself decree[d] the civilian takeover of the Buenos Aires Police and the naming of Luis Lugones as the new police head.”<sup>84</sup> Thus, there was a real, concerted effort to establish a basis for reform, but, as we will show, the lack of political stability and institutional follow-through ended any meaningful transformation.

Major reorganization and reform occurred in August 1998, with the enactment of a Public Security Law, No. 12,154, and a law for the Organization of the Police of Buenos Aires Province, No. 12,155.<sup>85</sup> More specifically, Law 12,154 deals with public security matters that involve the creation and development of community participation. Law 12,155 instituted three new police divisions that were designed as “civilian institutions of an armed, hierarchical, and professional character.”<sup>86</sup> The three divisions – the Departmental Security Police, the Investigatory Police with Judicial Duties, and the Highway Safety Police – comprised specific, specialized sectors, encompassing not only law enforcement, but also security and public service.<sup>87</sup>

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<sup>83</sup> Eaton, 12.

<sup>84</sup> Saín, 57.

<sup>85</sup> Ibid., 57–58.

<sup>86</sup> Ibid., 58.

<sup>87</sup> Ibid.

The Departmental Security Police was mandated for crime prevention and the maintenance of public safety within the eighteen judicial departments of Buenos Aires Province. Each of the eighteen departments was granted “functional, administrative, and financial autonomy,” but the General Directorate of Operative Coordination retained overall control for coordination.<sup>88</sup> In addition, given its mandate for crime prevention, an intelligence sector was established under the supervision and direction of the General Directorate for the Evaluation of Information.

The Investigatory Police with Judicial Duties was charged with “criminal investigations at the request and under the orders of the appropriate judicial authority,” with specific reference to the development and maintenance of skill sets for “investigations of complex crimes and drug trafficking . . . [and] all technical and scientific studies that might be required for a court trial.”<sup>89</sup> The Investigatory Police was divided into eighteen Departmental Investigatory Branches, linked to the General Directorate for Complex Crimes, Narco-Crimes, and the General Directorate for a Scientific Police.<sup>90</sup> The Highway Safety Police title is self-explanatory: they were charged with maintaining public order and safety in respect to the “transit and transport of people.”<sup>91</sup>

### **C. THE MILITARY**

Immediately after the retreat of the Proceso from political control, Argentina’s first two democratic presidents, Raúl Alfonsín (1983–89) and Carlos Menem (1989–99), respectively a radical and a Peronist, implemented civil-military reform of the security forces. Initially, the reforms were ground-breaking and a definite step in the right direction for democracy in the nation. It was widely understood that this type of reform was inevitable and justifiable for a transitioning democracy, whose claim of legitimacy requires it to subordinate the national armed forces to the duly elected democratic government.

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<sup>88</sup> Saín, 58.

<sup>89</sup> Ibid.

<sup>90</sup> Ibid.

<sup>91</sup> Ibid.

In Argentina, the reforms that took place, especially in the early years, comprised the most basic and fundamental concepts of civil-military affairs. Argentina's new democracy placed the military firmly under the control of the elected civilian government. It accomplished this by interposing a civilian defense ministry in the chain of command that the military was subservient to, by limiting the military's mission to one of external defense and limited foreign peacekeeping operations, and by strict budget allocations vis-à-vis the Gross Domestic Product (GDP). More important, it did so while at the same time preventing the politicians and the bureaucracy from enabling the military to continue its traditional practice of bullying to get what it wanted.

Though the two presidents' aims were the same, their methods differed significantly. Alfonsín took a heavy-handed approach, slashing budgets and purging the ranks, while Menem used indirect methods, while pointing to the on-going economic crisis to legitimize continuation of his reforms. In all, while the reforms had varying degrees of effectiveness, they met the primary goal of making the military subservient to government control. In subsequent chapters, we discuss the successes and the shortcomings of these reforms.

"Weakening of the military is a necessary condition for major reform" and internal security in transitional democracies.<sup>92</sup> In Argentina, the Falklands/Malvinas and Dirty War campaigns, the Junta's blundering mismanagement of the economy, and the military's loss of credibility and public acceptance worked together to create the "war transition" situation, in effect a power vacuum borne of military failure, that was necessary for democracy to move back in.<sup>93</sup>

Alfonsín's method of defense reform is often seen as a "politically weakening" of the military, using drastic budget cuts as a tactic.<sup>94</sup> In comparison, Menem's budget cuts came more from a concern for national macro-economic fiscal survival. Alfonsín's style might also be seen as a personal attempt to place the military under the heel of the

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<sup>92</sup> Charles T. Call, "War Transitions and the New Civilian Security in Latin America," *Comparative Politics* 35, no. 1 (October 2002): 1.

<sup>93</sup> *Ibid.*, 2

<sup>94</sup> David Pion-Berlin, 110.

civilian government, whereas Menem took advantage of the general perception that he was an even-handed distributor of fiscal responsibility, in order to impose overlapping state and military budget reforms.

Under the Proceso the military became accustomed to certain prerogatives and privileges. By 1978, military spending had increased by 800 percent through foreign loans, mortgaging of military-owned enterprises, and pressure on the federal bank to release foreign currency and print domestic notes. Alfonsín's finance minister's fiscal creed was "That there shall be money on hand to pay the bills."<sup>95</sup> In 1988, the military's prerogatives were limited by the introduction of the Defense Law, which drastically cut and defined the mission of the combined armed services by prohibiting them from planning for internal missions and conflicts.<sup>96</sup>

Alfonsín sought to civilianize the Ministry of Defense (MOD)<sup>97</sup> under two different men, first, Raúl Borrás, and then Roque Carranza. Both were personal confidants of Alfonsín and loyal to the Radical Party.<sup>98</sup> "Both were bound and determined to see the president's military programs through to completion – however unpopular they were with the men of arms."<sup>99</sup> That does not mean that they were pure automatons for the president, however. They were faithful advocates for their respective departments, but saw defense cuts as necessary. Their ultimate goal was "preserving the operational capacity of the armed forces while eliminating activities that did not serve territorial defense needs."<sup>100</sup> By the time Alfonsín left office in July 1989, with the help of his civilian defense ministers, he had reduced military spending to just less than two percent of GDP.

In 1989, Alfonsín implemented Decree 83/89, thereby "incorporating military branch chiefs and the joint chiefs into governmental command-and-planning structures

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<sup>95</sup> Pion-Berlin, 107.

<sup>96</sup> Call, "War Transitions and the New Civilian Security in Latin America," 12.

<sup>97</sup> Ministry of Defense.

<sup>98</sup> Pion-Berlin, 119.

<sup>99</sup> Ibid.

<sup>100</sup> Ibid.

for internal security. He established a Committee for Internal Security, permitting an intelligence role and new emergency internal powers for the military. A 1991 Internal Security Law reopened the military's role in some forms of internal conflicts."<sup>101</sup> When Carlos Menem assumed the presidency in July 1989, he "quickly pardoned the military mutineers, an act that only heightened the perception of civilian vulnerability to military provocation. Menem's reprieve capped off a successful drive by elements within the military to end what they saw as a campaign of judicial persecution waged against them. It also seemed to be an admission that civilian strategies of confrontation with the military would simply not work. The Menem government signaled its desire for a more amicable approach with the appointments of Italo Louder and Humberto Romero as his first two ministers of defense. Both men enjoyed close ties with the armed forces."<sup>102</sup>

Carlos Menem entered the office of the president six months early in the wake of a hyperinflation crisis that had reached the level of 5,000 percent. Menem was able to take advantage, knowingly or unknowingly, of this national emergency by implementing military reform through the indirect guise of national financial reconstruction, with little to no blowback or reprisal to his administration. One of the crucial reforms Menem implemented was a restructuring and institutional strengthening of the Central Bank, in March 1990, by prohibiting the "Central Bank from financing the operation deficit of the Treasury, or from engaging in any monetary expansion without prior authorization from the economics ministry."<sup>103</sup>

The appointment of a strong finance minister, Domingo Cavallo, in February 1991, brought about further financial reforms that had direct and indirect impact on the armed forces. He dollarized the economy, improved tax collection, implemented speedy privatization programs for state-owned enterprises, cut federal spending, froze wages, and, by 1992, reduced federal employees by 15.4 percent.<sup>104</sup> This "surgery without anesthesia" was harsh, but widely excepted by the public and, grudgingly, by the

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<sup>101</sup> Call, "War Transitions and the New Civilian Security in Latin America," 12.

<sup>102</sup> Pion-Berlin, 109.

<sup>103</sup> Ibid., 123.

<sup>104</sup> Ibid., 123–124.

military.<sup>105</sup> By 1993, military spending was 1.3 percent of GDP and 10.6 percent of public sector expenditures, down from 1989's 1.9 percent of GDP and 18.2 percent of public sector expenditures.<sup>106</sup> In addition, "the government's account balance moved from a deficit of 6.1 percent in 1990 to a surplus of 1.5 percent in 1992. Retail and wholesale prices adjusted accordingly. Inflation . . . dropped to single digits by August of . . . 1991."<sup>107</sup>

During the Menem administration, pacification of the military was obtained through strict adherence to budget guidelines and granting amnesty to military personnel from war crimes tribunals. Menem also understood that active involvement in international peace-keeping operations would keep the military busy while lifting its institutional and national esteem. Peacekeeping missions also had the advantage of reemphasizing an apolitical professionalism in the armed forces and simultaneously helping to advance Menem's foreign policy. In a certain sense, the armed forces briefly regained some political insulation during the Menem presidency because they were once again perceived as useful to the civilian leadership. However, this insulation would disappear during the politically turbulent period that followed the end of the Menem administration.

In the years between 2001 and 2003, Argentina suffered one of the region's worst economic disasters. During that period, Buenos Aires and many other cities had a huge exponential inflation rate, with a migration of capital to foreign currency. 53 percent of the population dropped below the poverty line, and maximum withdrawal amounts were set by Argentine banks.<sup>108</sup> The Argentine populace poured into the streets with massive protests, which historians consider some of the most violent in decades. Throughout the riots the civilian government maintained control by directing the police and other security services to contain the violence and protect public and private interests. The military,

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<sup>105</sup> Call, "War Transitions and the New Civilian Security in Latin America," 124.

<sup>106</sup> Ibid., 125.

<sup>107</sup> Pion-Berlin, 124.

<sup>108</sup> David Pion-Berlin and Harold A. Trinkunas, "Democratization, Social Crisis, and the Impact of Military Domestic Roles in Latin America," *Journal of Political and Military Sociology* (summer 2005): 14–15.

however, following the dictates of a government directive, remained in the barracks, even after a turbulent December 2001, during which a total of four Argentine presidents came and went. Showing their trust in the lawmakers' ability to fill the power vacuum, the military did not intervene, but allowed them to work, in keeping with the Constitution. Only when the civilian government gave the order did the armed forces deploy, to once again become involved in a domestic affair. And, for its part, the government continued to maintain direct oversight, to ensure that the armed forces implemented only its specific humanitarian mission, nothing more.

#### **D. THE GENDARMERIE**

The origin of Argentina's Gendarmerie reform is similar to many of the other security-service reforms that emerged with the collapse of the Proceso and the return of an elected civilian democracy. Gendarmerie reform began in 1983 with the transfer of its operational authority and control from the Defense Ministry back to the Ministry of the Interior. Other than that, however, the administrative and formal structure of the Gendarmerie changed very little. Its most significant alteration occurred in its government roles, functions, and missions, and the way they were to conduct those missions.<sup>109</sup>

The enactment of Internal Security Law Number 24.059 in 1992 gave sole responsibility for counterinsurgency and antiterrorism operations to the Gendarmerie, removing those functions from the military. This move made it apparent that the GNA had crossed into areas that were formerly the exclusive preserve of the military and the police. There were several reasons for this redistribution: historically, the Gendarmerie had never been involved in political intervention and abuses. Thus, there was still a high level of public and political confidence in their professionalism and their ability to accomplish missions.<sup>110</sup> With the expansion of the Gendarmerie's role, they became Argentina's first civilian-controlled antiterrorist unit. Since then, the GNA has continued to take on new roles, spanning from narcotics interdiction and filling police-manning shortfalls (mostly due to police strikes) to employment in the enforcement of

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<sup>109</sup> Carlson, "Lawful Warriors: Respecting Human Rights while Policing Social Protest. A Cultural Study of the First Mobile Detachment of the Argentine National Gendarmerie," 19.

<sup>110</sup> Ibid., 19–20 .



environmental laws. Fulfilling these roles has been seen as occupying “the grey zone” between the duties of the military and the police.<sup>111</sup>

Further reform of the Gendarmerie’s mandate can be found in the combination and incorporation of sections of several documents: Article 14 of the 1994 reformed Argentine Constitution, Article 194 of the Penal Code, and National Gendarmerie Law Number 19.349.<sup>112</sup> Article 14 stipulates that the national highways and bridges must remain free and clear for all of the nation’s populace to use. In addition, this infrastructure must be void of illicit activity.<sup>113</sup> Article 194 of the Penal Code makes it illegal to impede, upset, or slow “the normal functioning of transports by land, water, or air; of the public services of communication; of the provision of water, electricity, or the energy sources.”<sup>114</sup> National Gendarmerie Law 19.349 gives specific guidance when and where the GNA is to intervene and act. Article 3 of the law refers to public order: the Gendarmerie is charged with quelling public disturbance or subversion, supplementing police forces or replacing them if the police are unable to maintain order or when there are resemblances of guerrilla activity. Article 5 of the law deals with expressed and implied jurisdictions of the GNA. Section B expressly defines tunnels and international bridges as the domain of the GNA, while Sections C and D state that in any other place in the nation, as dictated by the executive or federal justice branches of government, the GNA is to maintain national order and tranquility.<sup>115</sup>

## **E. CONCLUSION**

As seen above, reform of Argentine security services achieved degrees of success. Police reforms only made limited progress. Here, Duhalde nullified the potential effectiveness of his own budgetary measures when he let go of the reins of the police and granted them greater fiscal independence. He used his governor prerogative to appoint a new head of police in an attempt to civilianize the force, but the political nature of the appointment only added to the insulation of the police from political pressure. Military

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<sup>111</sup> Carlson, "Lawful Warriors: Respecting Human Rights while Policing Social Protest. A Cultural Study of the First Mobile Detachment of the Argentine National Gendarmerie," 20.

<sup>112</sup> Ibid., 77–80.

<sup>113</sup> Ibid., 77.

<sup>114</sup> Ibid., 79.

<sup>115</sup> Ibid., 79-80.

reforms made the greatest progress since Alfonsín and Menem used the momentum of the post-Falklands military crisis to cut the military's historical prerogatives and redefine defense organization. The military no longer had a mandate to intervene in politics, civilians controlled the chain of command in the MOD, and the defense budget was strictly maintained in accordance with the civilian fiscal policy. The GNA for its part experienced little crisis, having played a marginal role throughout the Proceso, and it had nothing to lose in the way of political prerogatives. Therefore, its reform process was less painful. The GNA was moved back to the Ministry of the Interior (MOI) and directed to perform a variety of roles that once belonged solely to the military or the police. However, this did not translate into reforms affecting its operations or internal structures.

## **V. REFORMS: SUCCESSES AND FAILURES**

### **A. INTRODUCTION**

This chapter will examine the full and partial reform successes for the police, the military, and the Gendarmerie (GNA) as well explore the respective reform failures. In both discussions, it is important to realize that the outcomes of each reform effort, whether positive or negative, were influenced by either the absence or the presence of one of two key circumstances: either there was a current crisis or there was political insulation.

As stated in the introduction, the opportunity for reform is created by crisis, and limited by the degree of insulation from reform provided by politicians. In Argentina, crises stemming from economic collapse, failed military regimes, failed military campaigns, and non-judicial killings ultimately exerted enough public pressure to drive the government to implement improvements. In Argentina, political insulation is a reflection of the extra-legal that sometimes prevails between the political leadership and the various security services on which that leadership depends. Political insulation will vary with the perceived threat or advantage of each service in relation to the political class, and therefore, translate into the viability of reform.

Since the transition to democracy in 1984, the police have suffered only a minor level of crisis while retaining a high level of political insulation, whereas the military has undergone crises with exponentially diminishing political insulation. Finally, the Gendarmerie has experienced only marginal to nonexistent crisis while enjoying little or nothing in the way of political insulation. Over time, this has meant that reform of the military institution has progressed the furthest, despite occasional resistance, while the police remain unreformed. The GNA have not been heavily affected by this process, except to acquire responsibility for counter-terrorism and internal order missions. The impact of this on their degree of political insulation from reform remains to be tested.

## **B. POLICE**

### **1. The Successes**

The late 1990's break-up and division of the duties and responsibilities of the Buenos Aires Provincial Police (BAPP) into specific sectors – traffic enforcement, criminal investigation, and judicial responsibilities – went a long way toward limiting institutional collusion, increasing specialized training and job performance, and creating specific mandates for individual officers and police divisions.

In addition to the BAPP force-division reforms, the government created a new security-sector agency with an independent role outside of and beyond the standard police role, crime prevention and investigation. Also, the Service for the Custody and Transport of Prisoners was now mandated to operate the police holding stations and formal jails and was responsible for the deposit and removal of detained personnel under the direction of designated authorities. The latter change meant that the police no longer had the authority to transport, or to be the custodians of, criminally charged suspects.

In August 1998, a new security-management and oversight organization was implemented: the Ministry of Justice and Safety. The organization was given a wide range of responsibilities:

organizing and managing provincial police groups and the activity of private security firms; to coordinate the relations of the police and the community; to investigate, plan, and implement acts of police intelligence conducive to the prevention of crime; and planning, coordinating across different jurisdictions, and carrying out actions for the struggle against narco-trafficking in the area of its competence.<sup>116</sup>

The reaction by police officers to reform by way of purges was largely affable, though somewhat limited. Between late December 1997 and mid 1998, twelve hundred police officers were relieved from duty. Though numerous court charges were also being filed, this rather drastic reform apparently incited little to no resistance from the affected officers. For the June 1998 purge of three hundred and nine inspectors and assistant inspectors, for example, León Arslanián, a lawyer at the time, led a small protest by

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<sup>116</sup> Saín, 58.

dismissed officers outside the Ministry of Justice and Safety.<sup>117</sup> In effect, the purveyors of force, the police – who might be expected to form protest groups that would react with possible or probable violence – did not. And possibly for that reason, some of the purged police’s greatest champions were the Peronist mayors from Buenos Aires Province.

However, some proactive measures are now being implemented, with limited and varying success. There are attempts at new regulations and setting minimum levels of education as prerequisites for those seeking employment as police officers. An increase in police salaries, as a means to diminish bribes and other forms of corruption, is also being instituted. In addition, human-rights training is now administered in conjunction with stricter adherence to human-rights laws, the police are being removed from the jurisdiction of military courts, and police trials are being opened to the media and the public.

## 2. The Failures

In regard to the police, Saín identifies fourteen “institutional defects” that are the source of [its] inefficiency.

Table 5-1. Saín’s list of defects<sup>118</sup>

<b>Defect Number</b>	<b>Institutional Defect</b>
1.	The inadequate way in which the direction, coordination, and control of the policing system are carried out by its top leaders
2.	Is extremely top-heavy in resources and personnel
3.	A significant fragmentation and compartmentalization of police functions between the principal branches of the police and among the different units that make them up
4.	Lack of a system set up for the recording, classification, and constantly updated analysis of the provincial crime situation

<sup>117</sup> Saín, 59–60.

<sup>118</sup> Ibid., 55.

5.	Absence of a doctrine and specialized structures for the production of intelligence of serious crime prevention
6.	Absence of an integrated criminal database or the regional statistics that contain criminal acts vis-à-vis assailants
7.	Police routinely perform nonpolicing tasks.
8.	Administrative nonpolice tasks divert large numbers of needed police man-hours.
9.	Lack of community policing oriented to the prevention and elimination of lesser crimes, minor social conflicts, unrest, and marginal, localized public disorder
10.	Lack of a highly trained group that specializes in investigation of sophisticated and organized crime
11.	Lack of a career professionalization that rewards merit-based initiatives, such as training qualifications and performance evaluation of individual officers
12.	Existence of police careers built on the basis of a single professional group
13.	Predominance of criteria of subordination and hierarchy as a means of better institutional control
14.	Absence of criteria and structures for ongoing specialized police skill-building and training, given the priority for creating a generalist police type

Within the BAPP itself, growing criminality is another area for concern. Incidents involving “poor treatment, torture, their refusal to provide protection, blackmail and extortion, corruption, arbitrary arrest, falsification of evidence, the collection of money for police protection, as well as participation in criminal activities and the cover-up of such complicity” were commonplace.<sup>119</sup> At a certain point, the actions of corrupt BAPP officers allowed them to operate in an organized-crime fashion, first, by just being

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<sup>119</sup> Saín, 56.

members of an intricate and covert fraternal organization that has vast resources and authority and that provides its members with impunity from the rule of law while they conduct and profit from illicit activities. This impunity had an escalatory effect. BAPP sponsored or participated in criminal actions that included the “sale of drugs, the dismantling of stolen cars, robberies carried out by hijackers, and kidnapping,” and, in sum, bear the hallmark of organized crime.

Traditionally, the police were the servants of politicians involved in legal and illicit activities, to the greatest extent under the Peronist government.<sup>120</sup> The current policing structure at the time had been devised under President Peron in the 1950s. It was formulated as an organizational control structure for his party to manipulate the power of the policing system in their favor. Argentina’s federal system created a situational power struggle between the provincial, or state, governors and municipalities, local or town leaders, in regard to police control and supervision. Little to no local oversight of political control was granted within the provinces. In addition, in respect to the governor, the provincial legislative body was weak. All this is Argentina’s legacy from Perón in the 1940s and 1950s.

Perón granted provincial governors great autonomy and power over many aspects in their territories. One of these aspects was their control over the police, which included gubernatorial prerogatives such as the naming of provincial police chiefs. In return, the governors shored up Perón’s power by lending him police support in times of need.<sup>121</sup> As we will see later, this historical heritage continues today. Indeed, the collusion and corruption have evolved.

Reactions among the politicians at all levels – municipal, provincial, and federal – had a loggerhead effect which, ultimately, resulted in a series of counter-reforms in an attempt to reestablish the connection of influence, corruption, and power between the state elites (i.e., the politicians) and the police agencies. However, a major stumbling block for police reform in Argentina has been a distracting, so-called “White Elephant,” the military. Continuous military coups culminated in the despicable actions of the

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<sup>120</sup> Saín, 60.

<sup>121</sup> Eaton, 10.

Proceso: the 10,000–30,000 lives destroyed in the Dirty War, the debacle of the Falklands/Malvinas campaign, and the economic crisis they created. All of these factors combined pushed the public and political agendas for military reform well ahead of the policing sector. The irony of it is that the police were a notable part of the previous military regime, and an active participant in just about every aspect of the authoritarian government. But the idea, or concept, of the military as “the actor the can end democracy” has, in the recent past, gone a lot further than merely viewing the police as “the actors whose routine abuses threaten the full exercise of civil and political rights” vis-à-vis reform.<sup>122</sup>

The lack of sector-specific roles for the police in Argentina’s security field has produced a dangerous merger of authorities, responsibilities, and prerogatives that have serious implications for the civil rights and freedoms of the general populace. Kent Eaton sees this happening due to police interaction in the judicial and penal systems, which places the demand for “crime investigation and crime prevention” on the police.<sup>123</sup> Therefore, the police were given a greater latitude and highly flexible authority over the populace, which did not translate into transparent and fair civil rights, due to their being under constant pressure from these highly dynamic responsibilities. To service these two mandates “police officers . . . can detain individuals without warrants, hold them for significant periods of time and . . . substantially control the investigation into the alleged crimes.”<sup>124</sup>

### **3. Crisis and Political Insulation**

As seen above, the BAPP did undergo what can be perceived of as minor levels of crisis through their actions of non-proportional use of force, non-judicial killings, and their involvement in the Dirty War from the late 1970s through the 1990s, which led to the public outcry for reforms. The result was only the implementations of minor reforms in the form police duty segregation (i.e. traffic enforcement, criminal investigation, and judicial responsibilities), small police force personnel purges, and minimal effort on the

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<sup>122</sup> Eaton, 10.

<sup>123</sup> Ibid.

<sup>124</sup> Ibid.



part of court tribunals to prosecute general lawlessness, human rights and corruption crimes. The primary friction that prevented full implementation of these reforms from the perceived crisis was the political insulation of the engrained political legacy of Argentina's political institutions and parties. The legacy of the Perónist party has made the politicians accustomed to, and somewhat dependent, on the power the police afford them within the political establishment. They were unwilling to relinquish the power provided to them by the police. The federal system still provided the provincial governors' great autonomy and power, with little oversight, over the control the police. This included gubernatorial prerogatives, such as the naming of provincial police chiefs.<sup>125</sup> Serious and meaningful reform would remove this advantage from the politicians and weaken their exertive force over polices, power, and even their rivals. Serious crisis would have occur that would affect the politicians and the police at the same time to fracture the political insulation of the police, thereby causing some sort of transparency that could destroy or reform the status-quo political institution and its prerogatives while at the same time restructuring and reforming the police.<sup>126</sup>

## **C. THE MILITARY**

### **1. The Successes**

From 1984 to 1993, the military's general frustration with the basic wage levels and defense budget expenditures was palpable. However, they were powerless to effect change and their pleas fell on deaf ears. President Menem responded by saying, "The military cannot discuss salaries because they are not a union, and if their incomes are low, so too are those of other sectors of the community."<sup>127</sup> In 1991, in response to recent funding allocations that would drastically reduce the military's offensive capabilities, Vice Admiral Antonio Mozarelli protested that the Argentine military was now restricted. It could only "adopt a strategy of containment, with no capacity to project offensive power."<sup>128</sup> Menem relieved the admiral of his command. What the admiral failed to realize was that the new civilian government did not want a military with an offensive

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<sup>125</sup> Eaton, 10.

<sup>126</sup> Ibid., 22-25.

<sup>127</sup> Pion-Berlin, 125.

<sup>128</sup> Ibid., 126.

capability at that time. Containment had become a suitable alternative to Argentina's potential for power projection in the region.

The creation in September 1984 of the Department of Programming and Budgetary Control further insulated the "civilian policymakers from military influences."<sup>129</sup> The problem was that, in the past, when the Argentine armed forces "would regularly and easily exert their will upon hapless politicians, budget meddling usually produced undesirable results."<sup>130</sup> Thus, by 1989, the defense budget had been decreased by 17 percent, and by 1990, had fallen another 23 percent.<sup>131</sup>

Drastic cuts in the budget and meddling in other military affairs had, in the past, had drastic repercussions for Argentina's attempts at democratic governments. But some now argued that, while those actions by the military and civilian government looked strange and somewhat disturbing, there was no real threat to the newly formed democratic government. Because the military's management and its officers remained and operated within a carefully designated "Chain of Command."<sup>132</sup> This command chain had institutional strengths and arrangements, not previously seen in other institutions in Argentina, which limited the management and officers' ability to interfere or protest.<sup>133</sup> The partial success of these reforms became obvious with the partial failure of four military coups attempts (comprised mostly of junior officers) 1987 - 1989, a military backlash to the reformation measures. Alfonsín's capitulation to the demands *Semana Santa rebellion* had no effect on military budget issues.<sup>134</sup>

## **2. The Failures**

In regard to reform of the military, there have been times when funding was increased, but only for certain missions that were considered important in the eyes of the president. International peacekeeping missions were among the few exceptions. The

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<sup>129</sup> Pion-Berlin, .129.

<sup>130</sup> Ibid.

<sup>131</sup> Ibid., 109.

<sup>132</sup> Ibid.

<sup>133</sup> Ibid.

<sup>134</sup> The *Semana Santa rebellion* was a military coup attempt in reaction to court trial of military officers accused of human rights abuses during the Proceso and Dirty War. Alfonsín's only capitulation to military demands, and ended the tribunals.

defense minister was granted funding increases by the president, but normally, the economic minister made the final funding decisions by “holding the line on expenditures.”<sup>135</sup>

In other nations, such as the United States, there exist numerous institutionalized oversight organizations, review boards, and personnel that have considerable power and authority to check the president’s and his administration’s budgetary proposals. In Argentina, the Congress is designated under the Constitution to control the financial management of the nation. It can “levy taxes, borrow money on the nation’s credit, arrange for the payment of debt, and set the annual expenditures for the nation.”<sup>136</sup> But even with the support and bureaucratic legitimacy of the Constitution, the Congress rarely interferes with the proposed budget.

In regard to its budgetary control, there are two main issues that affect the ability of the Argentine Congress: the lack of revenue data afforded to them; and the institutional capacity to coherently manage the revenue. The ministry of the economy holds all the national tax revenue information, and there exists no equivalent data-gathering sector in the Congress. Even if Congress wished to increase budget spending, it could do so only haphazardly, thereby placing the economy at risk by its straying into unknown territory.

As to the second issue, Argentina has only one budgetary review board, the Committee on Budgeting and Finance. This board, which is more of a formality than an actual review body, debates the proposed budget, but serves primarily as a “watchdog function.”<sup>137</sup> The ministers are requested to testify, but not to explain or justify expenditures; rather they are to interpret budgetary needs. Pion-Berlin defines such ineffective institutional power as a rubber-stamp policy, at best. “In the end, however, the committee will usually sign off on the president’s bill.”<sup>138</sup>

Even when the combined arms of the military were firmly under the control of a civilian defense minister, true control of its annual planning of operations, training,

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<sup>135</sup> Pion-Berlin, 133.

<sup>136</sup> Ibid.

<sup>137</sup> Ibid., 135.

<sup>138</sup> Ibid.

routine maintenance, and other aspects of war and defense were indirectly under the command of the ministry of the economy (MOE). In this complex arena, the armed forces were then further subjugated to the MOE by not having any formal or informal instructional processes that could lobby for their expected budgetary needs. The Department of Programming and Budgetary Control was charged with formulating the next fiscal year's budget, based on posted and expected tax revenues. There was limited transparency for each department within the ministries (civilian and military alike) by means of review and debate over allocations. As Pion-Berlin points out, "Little in the way of bargaining can take place here, since any appeal for greater allotments by one minister will quickly be matched and anted up by all others."<sup>139</sup> It was basically a bureaucratic formality for each governmental ministry that was then given a revenue allocation limit. These allocations rarely came in lump sums, but in infrequent installments, which made operational planning and resource disbursement tenuous at best.<sup>140</sup> In addition, the arrangement did not encourage the armed forces to be frugal and plan for the "rainy day." Defense funds that were not spent were rolled into a general fund out of the hands of the armed forces, which in turn incited the military to continue with unrealistic or sustainable projects for fear of losing the money.<sup>141</sup>

### **3. Crisis and Political Insulation**

The crises of the military are evident and lead to the evaporation of the political insulation the military once enjoyed. The crisis of the human rights violations from the Dirty War, the failed military action of the Falkland/Malvinas, and economic collapse and mismanagement from state and military operated enterprises spawned a panic and low faith of the military regimes that reverberated through the populace into the political classes and even with the military establishment itself. By 1983, all of the military's political insulation was gone throughout Argentina. Gone are the days when military regimes provided a suitable and viable alternative to the Argentine populace for weak civilian elected political administrations. The Proceso actions finally proved how rigid, unforgiving, irresponsible, and most importantly how hard it is to remove military

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<sup>139</sup> Pion-Berlin, 129.

<sup>140</sup> Ibid., 127–128.

<sup>141</sup> Ibid., 131.

regimes. This was an important lesson for the civilians who lived through the Dirty War, Falkland/Malvinas war, and numerous economic calamities. In addition, the political parties have seen the low levels of public support for the military and military coups, which has translated into the political parties no longer needing or desiring military backing. The new civilian politicians have now taken advantage of these crises in conjuncture with the military's low level of national respect to implement wide reaching civil military reform without fear of political reprisal from the military. In addition, crises, such as the numerous economic collapses and the ongoing struggle for war crimes tribunals for human rights violations, continued throughout the 1980s through the 2001 that kept the military in check and further distanced the political institutions from the military.

#### **D. THE GENDARMERIE**

##### **1. The Successes**

The success of Gendarmerie reform might be described as “obedience to the rule of law”: it engendered not only respect for and confidence in the institution in the public sector, but also a perception for the GNA itself of how it must act as a security service. To Gendarmerie members it made clear that being “loyal” to the institution was not as important as being “legal” in their actions. In other words, to be successful, the Gendarmerie operations must be guided by the Constitution and by regional and cultural laws, not by any political party or establishment loyalties.

Thus, the GNA, which traditionally is stationed throughout the frontier, became a symbol of the state's interaction with the people. Gendarmerie soldiers share the lives, culture, and traditions of the populace. And the people now refer to them as “del pueblo,” from the people.<sup>142</sup>

The Gendarmerie is most proud of its reputation for following the rule of law and maintaining social and public order by a proportional use of force. This shows its awareness of appropriate and reasonable uses of power, especially regarding the large portion of its operational mission that consists of “counter-disturbance.” This type of

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<sup>142</sup> Carlson, “Lawful Warriors: Respecting Human Rights While Policing Social Protest: A Cultural Study of the First Mobile Detachment of the Argentine National Gendarmerie,” 22.

operation requires the GNA to control, remove, and disperse rioters and protestors in or from areas such as bridges and highways that they are occupying illegally.<sup>143</sup>

By appearing at the scene in full battle dress, complete with helmets, batons, and loudspeakers, thereby presenting a convincing show of force, the Gendarmerie can usually reestablish order without violence. The use of dissuasion tactics and force are considered a last resort by the GNA, as determined and expressly ordered by supervisory officers.<sup>144</sup> In 1989, for example, the Unión Tranviarios Automotor (UTA) in Buenos Aires province went on strike, creating chaos and pandemonium. Police efforts to control the situation proved inept, but within forty-eight hours of the GNA being mobilized, order was restored. There are numerous other instances in which the GNA has been called on to restore public order by dealing primarily with angry mobs or protestors. Interestingly, in all such cases, there has been a minimal amount of civilian injuries or complaints of GNA abuses.<sup>145</sup>

## **2. Failures**

With a continuing trend to opt out of police oversight and with the military in check, the GNA is now used more and more as the primary “do-it-all”, all-purpose domestic security service. One of the major failures of its reform has been the lack of accountability and transparency in the frontier areas.

There are rumors and reports of serious human-rights violations, including the use of excessive force, torture, and murders committed by the GNA.<sup>146</sup> The Centro de Estudios Legales y Sociales, or CELS (Center for Legal and Social Studies), for example, places the blame for two wrongful deaths during a bridge protest on December 17, 1999, on the Gendarmerie. Other human rights groups have accused the GNA of acting with “unnecessary” or “deadly” force by a use of military ammunition. Unfortunately, access to military ammunition is readily available and accurate forensic equipment, techniques, and data are hard to come by in these remote areas. This causes some scholars to believe

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<sup>143</sup> Carlson, “Lawful Warriors: Respecting Human Rights While Policing Social Protest: A Cultural Study of the First Mobile Detachment of the Argentine National Gendarmerie,” 25.

<sup>144</sup> Ibid., 23.

<sup>145</sup> Ibid.

<sup>146</sup> Ibid., 89.

that there are often cover-ups to save face after events take place. Efforts have been made to clarify such events, but finding the “smoking gun” is near to impossible. The only other alternative is using press accounts, which is pragmatic because, as Eric Carlson points out, “trying to find a neutral observer in the media [is] a challenging task.”<sup>147</sup>

### **3. Crisis and Political Insulation**

Whereas the police and military have suffered varying degrees of crisis and political insulation, in comparison, the GNA has experienced very little to no crisis or political insulation. Reforms to the GNA have primarily been the result or reaction of other organizations’ crisis and political insulation, such as taking over riot control from the police and anti-terrorist/counterinsurgency operations from the military. An important fact to note is that the missions discussed above appear to be the only missions ever done by the military that were deemed important by the politicians. And by reallocating the missions to the GNA and away from military, the military establishment has lost even more political insulation. At the same time, the GNA was possibly gaining political insulation. This traditional outsider has been historically overlooked, primarily because of where it has operated, but also because of its lack of participation in key events. However, the GNA now seems to be viewed as a new trusted agent within the Argentine security sector; one that has the ability to take on these new hybrid police/military roles that other institutions have failed at.

### **E. CONCLUSION**

The successes and failures of the reforms of the police, military, and GNA are still an ongoing process with some institutional reforms more complete than others. But it is clear that specific institutions have been singled out and have undergone more radical, comprehensive, and long-lasting reforms. And it is important to see how the effects of crisis and political insulation have determined what type of reforms each individual security force undergoes and how they experience it. Crisis does play a key role as a motivating factor or at least an excuse for the populace and the political intuitions within Argentina. The important question is how the politicians react when a crisis arises. If they deem that no reaction or reform to the crisis will jeopardize their power, the political

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<sup>147</sup> Carlson, “Lawful Warriors: Respecting Human Rights While Policing Social Protest: A Cultural Study of the First Mobile Detachment of the Argentine National Gendarmerie,” 92.

insulation will dissipate that security service and reforms will be implemented and the security service will be weakened. On the other hand, if reform to the crisis of the security service will degrade their overall power and prerogatives, the political insulation will rally and prevent overarching and complete reform of the service. There can also be a third option, that once a crisis has appeared and the political insulation is unsure or fearful of action, they may attempt to shift responsibilities from themselves to an outsider with no known history to allow for time and breathing space.



## VI. CONCLUSION

### A. PROBLEM

The new democratic government of Argentina in 1983 faced a potentially grim future because of the Proceso legacy in the security sector. To flourish and function effectively, the transitional democracy would have to implement institutional reforms, especially of the out-of-control police and military. Thus, in order to maintain the rule of law throughout the land, its primary job was to immediately establish control of the security services. To accomplish this, the government instigated a reform process for all three branches – police, military, and the Gendarmerie. Some reforms were more complete and proved more successful than others which were dependent of each individual security services relationship vis-à-vis crisis and/or their political insulation.

Table 6-1. Effects of crisis and political insulation vis-à-vis security services.

	POLICE	MILITARY	GENDARMERIE
CRISIS	NO	YES	NO
POLITICAL INSULATION FROM REFORM	YES	NO	NO

### B. POLICE

The reform of the police, which occurred later than the military reform, was less effective than might have been expected in the wake of the post-Proceso crisis. In the literature, the police participation in the Proceso has often been obscured or overlooked, and the police did not attract the same level of attention from politicians as the armed forces. During the 1990s, the attempt to reform the police failed. Only the presence of a major crisis, particular and specific to the police, creating a creditable threat to the populace, could inspire politicians to conduct reforms. In fact, the political legacies and

prerogatives inherited from the Perónist era were not removed during Argentina's transition, and this meant that large segments of the Argentine political class continued to benefit from a cozy relationship with the police. The push for reform from the general populace were neither strong nor threatening enough to persuade the political elite to reform and professionalize the police force. As a result, the police remained politically insulated against disciplinary measures.

### **C. MILITARY**

The military was the first security service during Argentina's transition to be reformed, because it was perceived as the greatest threat to democratic institutions. The fracture and humiliation of the Proceso junta immediately after the Falklands/Malvinas War debacle in 1982 was the tipping point that made it possible for the transitional democracy to implement new and far-reaching defense reforms. However, it was not the Falklands/Malvinas crisis, a singular event, which caused the military establishment's fall from power in Argentina. That resulted from a culmination of calamities including the human rights violations and citizen disappearances during the Dirty War; and fiscal mismanagement and the ultimate economic collapse that greatly compounded the effects of the misgoverning on both the general populace and the politicians. An ultra-powerful and corrupt military could no longer be tolerated or respected within the newly democratic Argentine state. Their position as a historically high and politically insulated entity vanished. Immediately, the politicians, aware that they could no longer benefit nor be replaced by the military, implemented the most wide-reaching and radical reform laws so far of all the security services examined. These reforms proceeded unevenly during the democratic period, halted occasionally by resistance from within the armed forces and by recurring economic crises that affected the government's ability to reorganize the military. In addition, the military and politicians reached a *modus vivendi* during the Menem administration that reduced pressure for reform.

### **D. GENDARMERIE**

The Gendarmerie had long been considered the "outsider" branch of Argentina's security service sector, primarily because of its role and mission in the frontier areas. It, too, experienced reform by the transitional government. This was partly due, however, to the military's lack of political insulation during crisis. Early on, the democratic

government had subjected the GNA's chain of command to civilian control, removing it from the Ministry of Defense and placing it under the Ministry of the Interior. The Gendarmerie is now the force solely responsible for internal security, once under the domain of the military. These security tasks are diverse and include antiterrorist operations, large-scale riot control, and oversight of valuable state infrastructure. While it may be too early to say definitively whether the GNA can successfully and transparently perform these new roles over time, its minimal involvement during crisis situations and a general perception of its low level of political insulation give it a comparative advantage. This means that there is a real chance that the corrective reforms can and will improve the GNA's performance and its role in Argentina's security sector, even if potentially negative events occur.

#### **E. LESSONS**

Nations in transition, like Argentina, must carefully consider the best methods for successfully reforming their security services so as to place the monopoly on violence and the rule of law within the governmental domain and, ultimately, in the hands of democratically elected civilian policy-makers. In designing successful reforms, they must also consider the nature and effect of political insulation on the security services. If their political insulation enjoyed by a security force is considerable, as it was in the case of the Argentine police, it provides cover from the top down, protecting the service from successful reform action. But if the political insulation is marginal or nonexistent, as was the case with the Argentine military and the Gendarmerie, the political establishment has a greater opportunity to conduct successful reform. A transitional government must also understand and be able to identify the nature of crises, because a crisis or failure in a security service's performance often provides an opportunity, if appropriately exploited by the government, to implement reform. To achieve this, however, reform-minded politicians must be allowed the freedom and the fiscal resources, during times of crisis, to develop and implement reform policies. If this does not occur, as we have seen with Argentina, the economic inadequacy of the transitional state may well limit its ability and discourage its efforts to enact overarching reforms during crises.

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